REMARKS

Claims 1-3, 6-13, 15-25, 52-54, and 57-70 are pending, with claims 1, 52, and 67 being independent.

Personal Interview Scheduled for June 30, 2008

On June 16, 2008, the undersigned attorney called Examiner Amelia L. Rutledge and requested a personal interview. The Examiner agreed to conduct a personal interview at 2:00 PM on Monday, June 30, 2008.

Claim Rejections Under 35 USC 103

Claims 1-3, 6-13, 15-25, 52-54, and 57-70 have been under 35 USC 103(a) as being unpatentable over Lamkin et al. (Lamkin) (U.S. Patent Application Publication No. 2002/0078144) in view of Montulli (U.S. Patent No. 6,34,592). This rejection is respectfully traversed.

Claim 1

Feature 1

It is submitted that Lamkin and Montulli do not disclose or suggest "a markup document supporting an interactive function for reproducing the AV data and comprising a command program, the command program comprising a cookie generation command program" as recited in independent claim 1.

The Examiner states "Lamkin teaches the playback of audio and/or video embedded within a web page (p. 4, par. 74) which contains a command program (p. 4, par. 84) to generate cookies (p. 11, par. 205-p. 12, par. 218)."

Although paragraph [0074] of Lamkin relied on by the Examiner discloses examples of how to embed audio and/or video within an HTML-encoded web page using an object tag or an embed tag, and thus may arguably be considered to disclose "a markup document supporting an interactive function for reproducing the AV data" as recited in claim 1, the examples in

paragraph [0074] do not comprise "a cookie generation command program" as recited in claim 1. Furthermore, paragraph [0084] of Lamkin relied on by the Examiner does not disclose that the examples in paragraph [0074] comprise "a cookie generation command program" as recited in claim 1, and in fact does not disclose anything whatsoever about cookies.

Paragraphs [0205]-[0218] of Lamkin relied on by the Examiner disclose two types of cookies—system cookies, which are described in paragraphs [0207]-[0213], and general-purpose cookies, which are described in paragraphs [0207] and [0214]. However, paragraph [0207] discloses that the system cookies are automatically created and modified by the player hardware and embedded browser, rather than by "a cookie generation command program" as recited in claim 1 in an HTML-encoded web page in which audio and/or video is embedded as described in paragraph [0074] of Lamkin. Furthermore, paragraphs [0207] and [0214] of Lamkin disclose that the general-purpose cookies are placed by web pages on general web sites. However, it is not seen where anything whatsoever in Lamkin discloses or suggests that these web pages on general web sites are HTML-encoded web pages in which audio and/or video is embedded as disclosed in paragraph [0074].

Furthermore, paragraph [0129], lines 1-3, of Lamkin discloses that the embedded web browser 410 receives HTML/JavaScript content from the disk 738, which is displayed by the presentation engine 612, while paragraph [0129], lines 12-14, of Lamkin discloses that the embedded web browser 410 also receives cookies from the cookie manager 708 via the cookie API, generally in response to the accessing of an Internet web site. Assuming *arguendo* that the HTML/JavaScript content received from the disk 738 may be "a markup document supporting an interactive function for reproducing the AV data" as recited in claim 1, it is not seen where anything whatsoever in Lamkin discloses or suggests that this HTML/JavaScript content comprises "a cookie generation command program" as recited in claim 1, or that the cookies the cookie manager receives from the Internet web site are generated by "a cookie generation command program" in "a markup document supporting an interactive function for reproducing the AV data" as recited in claim 1.

Although not relied on by the Examiner in the rejection of claim 1, paragraph [0104] of Lamkin discloses that the embedded web browser 410 is responsible for displaying the HTML content authored on InterActual-compatible disks, stored locally on device 602, or served from a remote server location. Assuming *arguendo* that the HTML content referred to in this passage is

"a markup document supporting an interactive function for reproducing the AV data" as recited in claim 1, it is not seen where anything whatsoever in Lamkin discloses or suggests that this HTML content comprises "a cookie generation command program" as recited in claim 1, regardless of whether this HTML content is stored locally on device 602, or served from a remote server location. Pages 13-79 of Lamkin contain a detailed description of commands, properties, and events for several embodiments of the InterActual Application Programming Interface 742 shown in FIG. 7 of Lamkin that processes the HTML/JavaScript content 740 that is authored on an InterActual-compatible disk 738 (see paragraphs [0240] through [0260] of Lamkin). However, the detailed description of the commands, properties, and events on pages 13-79 of Lamkin do not disclose anything whatsoever relating to cookies.

For at least the reasons discussed above, it is submitted there is no basis whatsoever in Lamkin for the Examiner's conclusion that the HTML-encoded web pages in which audio and/or video is embedded disclosed in paragraph [0074] of Lamkin comprise "a cookie generation command program" as recited in claim 1 to generate the cookies described in paragraphs [0205]-[0218] of Lamkin. Accordingly, it is submitted that Lamkin does not disclose or suggest "a markup document supporting an interactive function for reproducing the AV data and comprising a cookie generation command program" as recited in claim 1. Furthermore, it is submitted that Montulli does not disclose or suggest this feature of claim 1, since it is not seen where Montulli discloses or suggests "a markup document supporting an interactive function for reproducing the AV data" as recited in claim 1.

The above arguments were also presented on pages 13-15 of the Amendment of January 17, 2008. In response to these arguments, the Examiner states as follows on page 22 of the Final Office Action of April 24, 2008:

> In response to applicant's arguments (Remarks, p. 13-15) that Lamkin does not disclose the limitation of independent claim 1, ...*a cookie generation command program*, Lamkin does teach a cookie generation command program, specifically Lamkin teaches the playback of audio and/or video embedded within a web page (p. 4, par. 74) which contains a command program (p. 4, par. 84) to generate cookies (p. 11, par. 205-p. 12, par. 218). Lamkin teaches parsing the markup document and extracting the command programs by interpreting the markup structure (p. 5, par. 86; p. 6, par. 107), which are included in the markup document. Compare to claim 1, *a markup document supporting an interactive function for reproducing the AV data and comprising a command program,*

> *the command program comprising a cookie generation command program.*

Unfortunately, this response by the Examiner is not very helpful in advancing the prosecution of the present application because it merely repeats verbatim some of the arguments in the paragraph beginning "Specifically," bridging pages 4 and 5 of the Final Office Action of October 17, 2007, to which the applicants have already responded with the arguments on pages 13-15 of the Amendment of January 17, 2008, that are repeated above.

Furthermore, the point of the applicants' arguments is not that "Lamkin does not disclose the limitation of independent claim 1, ...*a cookie generation command program*" as indicated by the Examiner in the above passage from page 22 of the Final Office Action of April 24, 2008, but that Lamkin and Montulli do not disclose or suggest "a markup document supporting an interactive function for reproducing the AV data and comprising a command program, the command program comprising a cookie generation command program" as recited in claim 1. See the first paragraph under the heading "Feature 1" on page 13 of the Amendment of January 17, 2008, and the identical first paragraph under the heading "Feature 1" on page 12 of this Request for Reconsideration After Final Rejection. That is, the point of the applicants' arguments is that Lamkin and Montulli do not disclose or suggest "a markup document supporting an interactive function for reproducing the AV data and comprising a command program, the command program comprising a cookie generation command program" as recited in claim 1 for the reasons discussed in the arguments on pages 13-15 of the of the Amendment of January 17, 2008, and in the identical arguments on pages 12-14 of this Request for Reconsideration After Final Rejection.

The Examiner continues as follows on pages 22 and 23 of the Final Office Action of April 24, 2008:

> Lamkin teaches that the command program to control the data storage unit to reproduce the AV data is included in the markup document, and Lamkin teaches that the presentation engine of the embedded web browser parses the HTML instructions for controlling the media playback (p. 6, par. 107), and the presentation engine of the browser provides for the embedding of video within web pages (p. 6, par. 106-107). Therefore Lamkin teaches that the HTML instructions are the interactive function and command program for controlling the media playback, and are included in the markup document, the HTML page.

> In contrast, and contradictory to applicant's arguments (p. 14, par. 3-p.15, par 2), applicant's specification discloses a cookie generation command program which is a script embedded in a web page (p. 7-9). The claimed cookie generation command program and the instructions for controlling media playback using cookies disclosed by Lamkin are programmatically and functionally equivalent. Both command programs are stored in a web page. Therefore Lamkin does disclose the claimed *cookie generation command program*.

The Examiner is apparently overlooking the fact that the feature "a markup document supporting an interactive function for reproducing the AV data and comprising a command program, the command program comprising a cookie generation command program" recited in claim 1 has two elements—"an interactive function for reproducing the AV data" AND "a command program, the command program comprising a cookie generation command program." That is to say, the "markup document" recited in claim 1 BOTH "support[s] an interactive function for reproducing the AV data" AND "compris[es] a command program, the command program comprising a cookie generation command program."

Assuming *arguendo* that the Examiner is correct that "Lamkin teaches that the HTML instructions are the interactive function and command program for controlling the media playback, and are included in the markup document, the HTML page," such that Lamkin may arguably be considered to disclose "a markup document supporting an interactive function for reproducing the AV data" as recited in claim 1, it is submitted that nothing whatsoever in the various portions of Lamkin referred to by the Examiner or any other portion of Lamkin discloses or suggests that Lamkin's HTML page that includes the HTML instructions that are the interactive function and command program for controlling the media playback ALSO "compris[es] a cookie generation command program" as recited in claim 1.

Assuming *arguendo* that the cookie manager 708 in FIG. 7 of Lamkin manages the cookies disclosed in paragraphs [0205]-[0218] of Lamkin, it is submitted that Lamkin does not explicitly disclose "a cookie generation command program" as recited in claim 1. Furthermore, assuming *arguendo* that Lamkin may arguably be considered to implicitly disclose "a cookie generation command program" as recited in claim 1, the fact remains that nothing whatsoever in Lamkin discloses or suggests that such a "cookie generation command program" is included in Lamkin's HTML page that includes the HTML instructions that are the interactive function and

command program for controlling the media playback, which the Examiner apparently considers to be "a markup document."

With respect to the Examiner's statements that "[t]he claimed cookie generation command program and the instructions for controlling media playback using cookies disclosed by Lamkin are programmatically and functionally equivalent," and that "[b]oth command programs are stored in a web page," it is submitted that the "cookie generation command program" recited in claim 1 and Lamkin's instructions for controlling media playback using cookies are not "programmatically and functionally equivalent" as alleged by the Examiner because claim 1 recites that "the interpreter executes the cookie generation command program of the command program to: generate a cookie comprising: cookie data to be used by the interactive digital content reproducing apparatus in a subsequent interactive digital content reproducing operation performed in the interactive digital content reproducing apparatus; and a domain attribute identifying the interactive digital content reproducing apparatus as a domain; and store the cookie in the non-volatile data storage portion of the data storage unit," and says nothing whatsoever about the interpreter executing the cookie generation command program "[to] control[ ] media playback using cookies," to use the Examiner's language.

To summarize, assuming *arguendo* that Lamkin may arguably be considered to disclose "a markup document supporting an interactive function for reproducing the AV data" as recited in claim 1, and may arguably be considered to implicitly disclose "a cookie command generation program" as recited in claim 1, it is submitted that nothing whatsoever in Lamkin discloses or suggests "a markup document . . . comprising a command program, the command program comprising a cookie command generation program" as recited in claim 1.

Feature 2

As recognized by the Examiner, Lamkin does not disclose or suggest the feature "wherein the interpreter executes the cookie generation command program of the command program to: generate a cookie comprising: cookie data to be used by the interactive digital content reproducing apparatus in a subsequent interactive digital content reproducing operation performed in the interactive digital content reproducing apparatus; and a domain attribute identifying the interactive digital content reproducing apparatus as a domain; and store the cookie in the non-volatile data storage portion of the data storage unit" recited in claim 1.

However, the Examiner considers this feature to be taught by the combined teachings of Lamkin and Montulli.

The Examiner states that "Lamkin does not explicitly teach that the cookie data contains *a domain attribute identifying the interactive digital content reproducing apparatus as a domain*; however Lamkin's teaching of the use of a cookie to contain a hardware identifier of a device (p. 12, par. 209, 213) strongly suggests the limitation but does not teach storing the apparatus, i.e., hardware, identifying information as a domain attribute." The Examiner states that "Montulli teaches that the cookie domain attribute can be set by the server system in order to retain state information." The Examiner concludes that "it would have been both obvious and desirable to identify the reproducing apparatus [presumably of Lamkin] as a domain, since Montulli teaches a method of using the domain attribute to track general categories of state dependent information."

Paragraph [0209] of Lamkin relied on by the Examiner discloses a platform cookie, which is a non-volatile cookie of 32 bytes length that contains unique hardware information, including a hardware identifier for the device. Paragraph [0213] of Lamkin relied on by the Examiner appears to disclose that the unique hardware information in the platform cookie is used to generate a disk cookie, which is a volatile cookie of 214 bytes length that contains currently inserted disk information including a unique ID generated by local hardware based on a hashing algorithm provided by InterActual and the id field from PCFriendly titles (based on the file DISC.ID) provided the disk is a PCFriendly (PCF) disk. Paragraphs [0207] and [0208] of Lamkin disclose that the platform cookie and the disk cookie are system cookies that are automatically created and modified by the player hardware and the embedded web browser, in contrast to general-purpose cookies that are placed by web pages.

Column 8, lines 38-41, of Montulli discloses that the domain=DOMAIN_NAME attribute defines a domain for which a cookie is valid, and is usually set using the domain name of the sending Web server. Column 8, lines 55-57, of Montulli discloses that if no domain name is specified, the default value of the domain attribute is the domain name of the server that generated the cookie header. Column 8, lines 41-45, of Montulli discloses that client systems examine the domain attribute when making later http requests, and if the server that the client system is accessing falls within the defined DOMAIN_NAME, then the cookie may be sent to the server when making the http request.

However, Lamkin's platform cookie, unlike the cookies described in Montulli, is not generated by a server that is accessed by Lamkin's DVD device 602, but is generated by the player hardware and the embedded web browser of Lamkin's DVD device 602. It is not seen where anything whatsoever in Lamkin discloses or suggests that Lamkin's DVD device 602 is assigned a domain name that could be used to set the domain attribute when Lamkin's platform cookie is generated. Nor is it seen where Lamkin discloses that the platform cookie is used "to track general categories of state dependent information," to use the Examiner's language.

Since the Examiner considers Montulli to teach "a method of using the domain attribute to track general categories of state dependent information," and Montulli discloses that the domain attribute is set by a server that generates a cookie, and since Lamkin discloses that the platform cookie is generated by the player hardware and the embedded web browser of Lamkin's DVD device 602, rather than by a server that is accessed by Lamkin's DVD device 602, and does not disclose that the platform cookie is used "to track general categories of state dependent information," it is submitted that there would have been no reason for one of ordinary skill in the art to modify Lamkin to generate a cookie comprising "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1 based on the teachings of Montulli as proposed by the Examiner.

For at least the foregoing reasons, it is submitted that Lamkin and Montulli do not disclose or suggest the feature "wherein the interpreter executes the cookie generation command program of the command program to: generate a cookie comprising: cookie data to be used by the interactive digital content reproducing apparatus in a subsequent interactive digital content reproducing operation performed in the interactive digital content reproducing apparatus; and a domain attribute identifying the interactive digital content reproducing apparatus as a domain; and store the cookie in the non-volatile data storage portion of the data storage unit" recited in claim 1.

The above arguments were also presented on pages 15-17 of the Amendment of January 17, 2008. In response to these arguments, the Examiner states as follows on page 23 of the Final Office Action of April 24, 2008:

> In response to applicant's arguments regarding the combination of Lamkin and Montulli to teach the limitation of claim 1, *a domain attribute identifying the interactive digital content reproducing apparatus as a domain*; applicant argues that Lamkin

> and Montulli are different because Lamkin's cookie is not generated by a *server* (see Remarks, p. 16, par. 4-p. 17, par. 2), however, nowhere in claim 1 (or in claims 2-3, 6-13, 15-25 52-54, and 57-70) is a *server* mentioned or claimed. In response to applicant's arguments that the references fail to show certain features of applicant's invention, it is noted the features upon which applicant relies (i.e., a server) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F. 2d 1181, 25 USPQ2d 1057 (Fed. Cir. 1993).

However, it is submitted that the Examiner's reliance on *In re Van Geuns* as a reason for ignoring the applicants' arguments with the feature "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" recited in claim 1 is entirely misplaced. The applicants are not trying to read the feature "a server" referred to by the Examiner into the claims. Furthermore, it is not seen where the applicants' specification provides any basis whatsoever for the Examiner to conclude that "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1 is set by a server. Thus, the Examiner has not provided a valid reason for ignoring the applicants' arguments with respect to this feature of claim 1. Accordingly, it is submitted that the Examiner has not taken note of the applicants' arguments with respect to this feature of claim 1 and answered the substance of them as required by MPEP 707.07(f).

It appears that the Examiner has fallen into a common trap. When an Examiner rejects a claim over a reference that does not contain the exact language of an element of the claim, it is necessary for the applicant to analyze what the reference actually does disclose to determine whether or not the reference actually discloses that element of the claim. If it turns out that the reference does not actually disclose that claim element, the applicant must then explain to the Examiner why the reference does not disclose the claim element by explaining what the reference does disclose, and then explaining why this means that the reference does not disclose the claim element. Since the reference does not disclose the claim element, it is unavoidable that part of the explanation will refer to features that are not recited in the claim because those are the features that are disclosed in the reference that does not disclose the claim element. However, this does not mean that the applicant is arguing that the features that are disclosed in the reference but are not recited in the claim should be read into the claim. However, all too frequently Examiners fail to understand this and simply cite *In re Van Geuns*

and ignore the applicant's arguments. This is apparently what has happened here. In light of this, it is respectfully requested that the Examiner take note of the applicant's arguments on pages 15-17 of the Amendment of January 17, 2008, which are repeated above and answer the substance of them in the next Office Action, even if that Office Action is an Advisory Action.

The following additional arguments are presented below with respect to the feature of claim 1 in question.

As recognized by the Examiner, Lamkin does not disclose or suggest "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1.

Furthermore, it is submitted that Montulli does not disclose or suggest "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1. Column 8, lines 38-41, of Montulli discloses that the domain=DOMAIN_NAME attribute defines a domain for which a cookie is valid, and is usually set using the domain name of the sending Web server. Column 8, lines 55-57, of Montulli discloses that if no domain name is specified, the default value of the domain attribute is the domain name of the server that generated the cookie header. Column 8, lines 41-45, of Montulli discloses that client systems examine the domain attribute when making later http requests, and if the server that the client system is accessing falls within the defined DOMAIN_NAME, then the cookie may be sent to the server when making the http request. However, it is submitted that Montulli does not disclose or suggest that the domain=DOMAIN_NAME attribute can be set to "a domain attribute identifying [an] interactive digital content reproducing apparatus as a domain" as recited in claim 1.

Of course, the rejection is based on a combination of Lamkin and Montulli. The Examiner's opinion is that it would have been obvious to combine Lamkin and Montulli to provide the feature "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1 for the following reasons set forth on pages 5 and 6 of the Final Office Action of April 24, 2008:

> Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of setting the domain attribute to track state information disclosed by Montulli to the method of playing back DVD and web content on a web page disclosed by Lamkin, because Lamkin teaches methods of using cookies to track state information, and Montulli teaches a method of setting cookie attributes to track state information; it

> would have both obvious and desirable to identify the reproducing apparatus [of Lamkin] as a domain, since Montulli teaches a method of using the domain attribute to track general categories of state dependent information."

However, it is submitted that there is no basis whatsoever in Lamkin and Montulli for the Examiner's leap from setting the domain=DOMAIN_NAME attribute to the domain name of the sending Web server or the domain name of the server that generated the cookie header as disclosed by Montulli to setting the domain=DOMAIN_NAME attribute to a domain attribute identifying Lamkin's DVD device 602 as a domain in order to provide "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1. It is submitted that nothing whatsoever in Lamkin and Montulli would have led one of ordinary skill in the art to consider Lamkin's DVD device 602 to be a domain for the purpose of setting the domain=DOMAIN_NAME attribute of a cookie.

Paragraphs 205-218 of Lamkin read as follows:

> **[0205]** In operation, a user causes computer (1408) to access a web page resident on the server (1402) via the connections through the Internet. In so doing, the website containing the accessed web page causes the cookie (1406) to be sent to the computer (1408) and stored on a local storage drive for later reference by the storing website.
>
> **[0206]** A cookie is information that a web site (server side program) puts on a client=s computer or permanent storage so that information is retained from browsing session to browsing session (or later use in the same session). Typically, a cookie records user-specific information such as past user choices during interaction with the web site. Cookies are useful because the nature of the hypertext transfer protocol (HTTP) used by the World Wide Web (WWW) is that each web page request is completely independent of all other requests. Thus a cookie is a mechanism which allows a web site to retain access to past interaction history with particular clients.
>
> **[0207]** The embedded browser supports two types of cookies, system cookies and general-purpose cookies. System cookies are predefined in both name and size as part of the Application programming interface (API). System cookies are automatically created and modified by the player hardware and embedded browser. General-purpose cookies are cookies that can be placed by web pages. Both system cookies and general-purpose cookies may be volatile or non-volatile (maintained even if storing system is powered off) depending on their specific function.

[0208] The following cookies are supported by the application programming interface (API):

[0209] Platform cookie, a non-volatile cookie of 32 bytes length that contains unique hardware information, including a hardware identifier for the device.

[0210] UserID cookie, a non-volatile cookie of 32 bytes length that contains unique user login information (useful for multi-user households).

[0211] An application programming language version cookie, a non-volatile cookie of 32 byte in length which maintains version information for the supported levels of the application programming interface (API).

[0212] Player Mode cookie, a non-volatile cookie of 32 bytes length which maintains the default player mode for the Application programming interface (API) playback, movie mode, or InterActual mode.

[0213] Disk cookie, a volatile cookie of 214 bytes length which contains currently inserted disk information including a unique ID generated by local hardware based on hashing algorithm provided by InterActual and (2) the id field from PCFreindly titles [*sic*] (based on the file DISC.ID) provided the disk is a PCFreindly [*sic*] (PCF) disk. This cookie is generated with null content when no disk is currently in the drive.

[0214] The application programming interface (API) also provides for a minimum of 100 general-purpose cookies that can be used by general web sites. Each of these cookies can be up to 200 bytes in size, therefore the minimum storage requirement for cookies is determined as follows:

[0215] 4 reserved 32 byte system cookies=128 bytes

[0216] 1 reserved 214 byte system cookie=214 bytes

[0217] 100 general-purpose cookies of 200 bytes=20,000 bytes

[0218] Thus total cookie storage is a minimum of 20,342 bytes.

It is submitted that if one of ordinary skill in the art were to apply Montulli's teachings about setting the domain attribute of a cookie to Lamkin's DVD device 602, one of ordinary skill in the art might arguably set the domain attribute of the general-purpose cookies referred to in paragraphs [207] and [214] of Lamkin that are placed by web pages to the domain name of the servers that placed the web pages. However, it is submitted that nothing whatsoever in Lamkin and Montulli would have motivated one of ordinary skill in the art to set the domain attribute of

Lamkin's general-purpose cookies to a domain attribute identifying Lamkin's DVD device 602 as a domain in order to provide "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1.

Furthermore, it is submitted that nothing whatsoever in Lamkin and Montulli would have motivated one of ordinary skill in the art to set the domain attribute of the system cookies referred to in paragraphs [207]-[0213] of Lamkin to a domain attribute identifying Lamkin's DVD device 602 as a domain in order to provide "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1. Paragraph [0206] of Lamkin states that "a cookie is a mechanism which allows a web site to retain access to past interaction history with particular clients." In Lamkin, the client with which the web pages that set Lamkin's general-purpose cookies interacts is Lamkin's DVD device 602, which generates Lamkin's system cookies. Lamkin's system cookies are stored in Lamkin's DVD device 602, and are always available to Lamkin's DVD device 602. Lamkin's DVD device 602 already knows that it generated the system cookies because paragraph [0207] of Lamkin states that "[s]ystem cookies are predefined in both name and size as part of the Application programming interface (API)" of Lamkin's DVD device 602, and that "[s]ystem cookies are automatically created and modified by the player hardware and embedded browser" of Lamkin's DVD device 602, such that there would have been no need for one of ordinary skill in the art to modify Lamkin's DVD device 602 to set the domain attribute of its system cookies to a domain attribute identifying Lamkin's DVD device 602 as a domain in order to tell Lamkin's DVD device 602 what it already knows, i.e., that Lamkin's DVD device 602 generated the system cookies.

Accordingly, for at least the foregoing reasons, it is submitted that nothing whatsoever in Lamkin and Montulli would have motivated one of ordinary skill in the art to set the domain attribute of Lamkin's general-purpose cookies and/or system cookies to a domain attribute identifying Lamkin's DVD device 602 as a domain in order to provide "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1.

Furthermore, it is submitted that nothing whatsoever in Lamkin and Montulli discloses or suggests the general concept of providing "a domain attribute identifying the interactive digital content reproducing apparatus as a domain" as recited in claim 1.

Claim 8

It is submitted that Lamkin and Montulli do not disclose or suggest the combination of "a decoder to decode the AV data" as recited in dependent claim 8 and the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program" recited in claim 8.

The Examiner states "Lamkin teaches wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program commands because Lamkin teaches a cookie manager, i.e., a decoder decoding a read content, and a command program which operates to control the data storage unit by extracting predetermined target information (p. 7, par. 132-135; par 12, par. 207-214), and commands the generated cookie information to be stored in the data storage unit (p. 11, par. 205-206).

However, the Examiner has not identified anything whatsoever in the portions of Lamkin relied on by the Examiner that the Examiner considers to be "a system variable" as recited in claim 8 of Lamkin's DVD device 602, such that the Examiner has not established a *prima facie* case of obviousness with respect to claim 8.

Furthermore, the rejection is based entirely on the Examiner's position that that Lamkin's cookie manager is 708 is "a decoder" as recited in claim 8. However, claim 8 recites "a decoder to decode the AV data," and it is submitted that Lamkin's cookie manager 708 is not "a decoder to decode the AV data" as recited in claim 8. Accordingly, since the entire basis of the Examiner' position is incorrect, it is submitted that the Examiner has not established a *prima facie* case of obviousness with respect to claim 8.

Furthermore, it is not seen where any of the portions of Lamkin relied on by the Examiner disclose or suggest that a state of a system variable of Lamkin's DVD device 602 is obtained from a decoder that decodes AV data by an interpreter under control of a cookie generation command program as would be necessary for these portions of Lamkin to arguably disclose or suggest the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program" recited in claim 8.

The above arguments were also presented on pages 17 and 18 of the Amendment of January 17, 2008. In response to these arguments, the Examiner states as follows on page 8 of the Final Office Action of April 24, 2008:

> Lamkin teaches that cookies contain information for playback mode, for example, and player state information (p. 12, par. 0212, 0221-0222).

and as follows on page 24 of the Final Office Action of April 24, 2008:

> In response to applicant's arguments directed to claim 8 (Remarks, p. 17-18), Lamkin does teach *wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder...* because Lamkin teaches that cookies contain information for playback mode, for example, and player state information (p. 12, par. 0212, 0221-0222). In regard to state in a system, a variable may record the system state, for example by recording events which occur, a playback state, or a time. It is the examiner's opinion that Lamkin does disclose variables which are used to track system state and to manage the playback of AV material.

However, with respect to the Examiner's reliance on paragraph [0212] of Lamkin, it is not seen where Lamkin discloses or suggests that the "playback mode" referred to by the Examiner, which is presumably the default player mode that is stored in the play mode cookie as described in paragraph [0212] of Lamkin relied on by the Examiner, is "obtained from the decoder by the interpreter under control of the cookie generation command program" as recited in claim 8.

Furthermore, with respect to the Examiner's reliance on paragraphs [0221] and [0222] of Lamkin, these paragraphs relate to bookmark data, not cookie data as recited in claim 8.

Furthermore, it is submitted that the Examiner has not clearly explained why she considers Lamkin and Montulli to disclose or suggest the "obtained from the decoder" aspect of the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program" recited in claim 8. Assuming *arguendo* that that Examiner's statement that "Lamkin does disclose variables which are used to track system state and to manage the playback of AV material" is correct, it is not seen where Lamkin and Montulli disclose or suggest that a state of such variables is "obtained from the decoder by the interpreter

under control of the cookie generation command program" as recited in claim 8 and is stored in a cookie as "cookie data" as recited in claim 8.

Claim 52

It is submitted that Lamkin and Montulli do not disclose or suggest "a markup document supporting an interactive function for reproducing the AV data and comprising a cookie generation command program" as recited in independent claim 52, or the feature "wherein the cookie generation command program controls the interactive digital content reproducing apparatus to: generate a cookie comprising: cookie data to be used by the interactive digital content reproducing apparatus in a subsequent interactive digital content reproducing operation performed in the interactive digital content reproducing apparatus; and a domain attribute identifying the interactive digital content reproducing apparatus as a domain; and store the cookie in the non-volatile data storage portion of the data storage unit" recited in claim 52, for at least the same reasons discussed above that Lamkin and Montulli do not disclose or suggest the same or similar features of claim 1.

Claim 58

It is submitted that Lamkin and Montulli do not disclose or suggest the combination of "a decoder to decode the AV data" as recited in dependent claim 58 and the feature "wherein the cookie generation command program controls the interactive digital content reproducing apparatus to: obtain a state of a system variable of the interactive digital content reproducing apparatus from the decoder; and include the state of the system variable in the cookie data" as recited in claim 58 for at least the same reasons discussed above that Lamkin and Montulli do not disclose or suggest the combination of the same or similar features of claim 8.

Claim 67

It is submitted that Lamkin and Montulli do not disclose or suggest "a markup document supporting an interactive function for reproducing the AV data and comprising a cookie generation command program" as recited in independent claim 67, or "generating a cookie using

the cookie generation command program, the cookie comprising: cookie data to be used by the interactive digital content reproducing apparatus in a subsequent interactive digital content reproducing operation performed in the interactive digital content reproducing apparatus; and a domain attribute identifying the interactive digital content reproducing apparatus as a domain; and storing the cookie in the non-volatile data storage portion of the data storage unit" as recited in independent claim 67, for at least the same reasons discussed above that Lamkin and Montulli do not disclose or suggest the same or similar features of claim 1.

Claim 69

It is submitted that Lamkin and Montulli do not disclose or suggest the feature "wherein the system variable is a play state system variable of the interactive digital content reproducing apparatus" recited in dependent claim 69.

The Examiner states "Lamkin teaches wherein the system variable is a play state system variable of the interactive digital content reproducing apparatus (p. 7, par. 0129-0131; p. 14-33)."

Assuming *arguendo* that the portions of Lamkin relied on by the Examiner disclose system variables of Lamkin's DVD device 602, the Examiner has not identified which one of these system variables the Examiner considers to be "a play state system variable" as recited in claim 69, such that the Examiner has not established a *prima facie* case of obviousness with respect to claim 69.

Furthermore, it is submitted that the Examiner has not established that Lamkin and Montulli disclose or suggest the combination of "a decoder to decode the AV data" and the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program" recited in claim 8 from which claim 69 depends for at least the reasons discussed above in connection with claim 8.

The above arguments were also presented on page 20 of the Amendment of January 17, 2008. In response to these arguments, the Examiner states as follows on page 21 of the Final Office Action of April 24, 2008:

> Lamkin teaches that cookies contain information for playback mode, for example, and player state information (p. 12, par. 0212, 0221-0222).

and as follows on page 24 of the Final Office Action of April 24, 2008:

> Regarding applicant's arguments directed to dependent claim 69, applicant's arguments for claim 58 [*sic*; should be 69] follow the same rationale as the arguments for claim 8, from which claim 69 depends, and for similar reasons as set forth for claim 8, it is the examiner's opinion that the rejections should be maintained. Lamkin teaches that cookies contain information for playback mode, for example, and player state information (p. 12, par. 0212, 0221-0222). In regard to state in a system, a variable may record the system state, for example by recording events which occur, a playback state, or a time. It is the examiner's opinion that Lamkin does disclose variables which are used to track system state and to manage the playback of AV material.

However, with respect to the Examiner's reliance on paragraph [0212] of Lamkin, it is not seen where Lamkin discloses or suggests that the "playback mode" referred to by the Examiner, which is presumably the default player mode that is stored in the play mode cookie as described in paragraph [0212] of Lamkin relied on by the Examiner, is "obtained from the decoder by the interpreter under control of the cookie generation command program" as recited in claim 8 from which claim 69 depends.

Furthermore, with respect to the Examiner's reliance on paragraphs [0221] and [0222] of Lamkin, these paragraphs relate to bookmark data, not cookie data as recited in claim 8 from which claim 69 depends.

Furthermore, it is submitted that the Examiner has not clearly explained why she considers Lamkin and Montulli to disclose or suggest the "obtained from the decoder" aspect of the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program" recited in claim 8 from which claim 69 depends. Assuming *arguendo* that that Examiner's statement that "Lamkin does disclose variables which are used to track system state and to manage the playback of AV material" is correct, it is not seen where Lamkin and Montulli disclose or suggest that a state of such variables is "obtained from the decoder by the interpreter under control of the cookie generation command program"

as recited in claim 8 and is stored in a cookie as "cookie data" as recited in claim 8 from which claim 69 depends.

Claim 70

It is submitted that Lamkin and Montulli do not disclose or suggest the feature "wherein the system variable is a parental level system variable of the interactive digital content reproducing apparatus" recited in dependent claim 70.

The Examiner states "Lamkin teaches wherein the system variable is a parental level system variable of the interactive digital content reproducing apparatus (p. 67, C.1.10; par. 42; A.2.13)."

However, claim 8 from which claim 70 depends recites that "the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder," and the Examiner has not pointed out where Lamkin discloses or suggests that the state of the InterActual.SelectParentalCountry command described on page 67 of Lamkin or the state of the InterActual.ParentalLevel property described on page 42 of Lamkin is "cookie data" as recited in claim 8 from which claim 70 depends.

Furthermore, it is submitted that the Examiner has not established that Lamkin and Montulli disclose or suggest the combination of "a decoder to decode the AV data" and the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program" recited in claim 8 from which claim 70 depends for at least the reasons discussed above in connection with claim 8.

The above arguments were also presented on pages 20 and 21 of the Amendment of January 17, 2008. In response to these arguments, the Examiner states as follows on page 21 of the Final Office Action of April 24, 2008:

> Lamkin discloses at p. 13, par. 256-257 that the system commands disclosed at p. 67, C.1.10; p. 42; A.2.13 are part of the system application program interface (API) and can be used by the HTML/javascript calling application. Lamkin teaches that the command handler, event generator, and identifier engine all interact with the cookie manager to pass information about the API to cookies (p. 7, par. 0128-0134), and therefore shows that the

> system commands are programmatically linked to the cookie manager.

and as follows on page 25 of the Final Office Action of April 24, 2008:

> In response to applicant's arguments regarding dependent claim 70, applicant argues that Lamkin does not disclose that the command data disclosed at p. 67, C.1.10; p. 42; A.2.13 is cookie data (see Remarks, p. 15 [*sic*; should be p. 20 and 21]). Lamkin discloses at p. 13, par. 256-257 that the system commands disclosed at p. 67, C.1.10; p 42; A.2.13 are part of the system application program interface (API) and can be used by the HTML/javascript calling application. Lamkin teaches that the command handler, event generator, and identifier engine all interact with the cookie manager to pass information about the API to cookies (p. 7, par. 0128-0134), and therefore shows that the system commands are programmatically linked to the cookie manager.

However, assuming *arguendo* that the Examiner is correct that "Lamkin teaches that the command handler, event generator, and identifier engine all interact with the cookie manager to pass information about the API to cookies (p. 7, par. 0128-0134), and therefore shows that the system commands are programmatically linked to the cookie manager," it is submitted that the Examiner still has not explained how this somehow results in the state of the InterActual.SelectParentalCountry property command C.1.10 described on page 67 of Lamkin or the state of the InterActual.ParentalLevel property in command A.2.13 described on page 42 of Lamkin being "cookie data" as recited in claim 8 from which claim 70 depends.

Of paragraphs [0128]-[0134] of Lamkin relied on by the Examiner, paragraph [0129] states "[t]he embedded web browser (410) also receives cookies from the cookie manager (708) via the cookie API, generally in response to the accessing of an Internet website," and paragraph [0132] of Lamkin states that "[t]he event generator (706) also provides events to the cookie manager (708) such as relate to the accessing of web pages." However, these passages are referring to the general-purpose cookies that are placed by web pages as described in paragraph [0207] of Lamkin. It is submitted that nothing whatsoever in Lamkin indicates that these general-purpose cookies might contain the state of Lamkin's InterActual.SelectParentalCountry property or InterActual.ParentalLevel property, which are properties of Lamkin's DVD device 602, and which the Examiner considers to be "a parental

level system variable of the interactive digital content reproducing apparatus" as recited in claim 70.

Also, paragraph [0132] of Lamkin states that "[t]he event generator (706) also provides events to the cookie manager (708) such as relate to . . . disk insertion, and disk ejection events." However, it is not seen how this somehow results in the state of the InterActual.SelectParentalCountry property command C.1.10 described on page 67 of Lamkin or the state of the InterActual.ParentalLevel property in command A.2.13 described on page 42 of Lamkin being "cookie data" as recited in claim 8 from which claim 70 depends.

Also, paragraph [0133] of Lamkin states that "[t]he cookie manager (708) interacts with the identifier engine (710) to provide the ability to save information regarding the disk, platform, current user, and the application programming interface (API) version in local storage;" and paragraph [0134] of Lamkin states that "[t]he identifier engine (710) interacts with the cookie manager (708) to place disc related information read from the BCA as discussed previously herein into the InterActual System cookie." However, these passages are referring to the platform cookie, the UserID cookie, the application programming language version cookie, and the disk cookie described in paragraphs [[0209]-[0211] and [0213] of Lamkin, none of which contain the state of Lamkin's InterActual.SelectParentalCountry property or InterActual.ParentalLevel property, which the Examiner considers to be "a parental level system variable of the interactive digital content reproducing apparatus" as recited in claim 70.

Furthermore, it is submitted that the Examiner still has not established that Lamkin and Montulli disclose or suggest the combination of "a decoder to decode the AV data" and the feature "wherein the cookie data comprises a state of a system variable of the interactive digital content reproducing apparatus obtained from the decoder by the interpreter under control of the cookie generation command program" recited in claim 8 from which claim 70 depends for at least the reasons discussed above in connection with claim 8.

Conclusion—Claim Rejections Under 35 USC 103

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-3, 6-13, 15-25, 52-54, and 57-70 (i.e., claims 1, 8, 52, 58, 67, 69, and 70 discussed above and claims 2, 3, 6, 7, 9-13, 15-25, 53, 54, 57, 59-66, and 68 depending directly or indirectly from

claims 1, 8, and 52) under 35 USC 103(a) as being unpatentable over Lamkin in view of Montulli be withdrawn.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 06/17/08

By: _____
Randall S. Svihla
Registration No. 56,273

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510